

M I N U T E S

O F T H E

B O A R D O F A D J U S T M E N T

Created by Zoning Ordinance of the City of  
Memphis, Tennessee.

The Honorable Rowlett Paine, Mayor of the City of Memphis,  
called a meeting of the Board of Adjustment for Thursday, July 16,  
1925, at the office of the City Planning Commission, Room 17, Police  
Headquarters, Memphis, Tennessee, for the purpose of organization.

Present:

Messrs. Wassell Randolph,

E. B. LeMaster,

Chas. J. Haase,

Walk C. Jones,

S. E. Ragland,

and Dan Wolf.

Absent:

Harry N. Howe.

Mr. L. P. Cockrill, who had been appointed Secretary of  
the Board, was also present.

On motion of Mr. LeMaster, unanimously carried, Mr.  
Wassell Randolph was elected temporary Chairman, and Mr. L. P.  
Cockrill was unanimously elected temporary Secretary.

Thereupon Mr. Wassell Randolph read the following  
communication from the Honorable C. C. Pashby, City Clerk:

"CITY OF MEMPHIS  
Executive Department  
Bureau of City Clerk  
Records - Accounts - Disbursements

Memphis, Tenn. June 17, 1925.

Messrs:

Wassell Randolph,

E. B. LeMaster,

Chas. J. Haase,

Walk C. Jones,

S. E. Ragland,

Dan Wolf,

Harry N. Howe,

L. P. Cockrill.

Members Board of Adjustment

Secretary, Board of Adjustment

Gentlemen:-



I beg leave to advise that at the regular meeting of the City Commission held Tuesday, June 16, 1925 you were appointed members of the Board of Adjustment for the following terms:

Wassell Randolph, for a three year term  
E. B. Lemaster, for a three year term  
Chas. J. Haase, for a two year term  
Walk C. Jones, for a two year term  
S. E. Ragland, for a one year term  
Dan Wolf, for a one year term  
Harry N. Howe, for a one year term  
L. P. Cockrill, Secretary of the Board,  
at a salary of \$200.00 per month.

I also enclose herewith a certified copy of the Administrative Board Ordinance.

Yours truly,

(Signed) C. C. Pashby,

CITY CLERK"

After the reading of the foregoing communication the members present proceeded to a permanent organization of the Board. On motion of Mr. E. B. Lemaster duly seconded and carried, Mr. Wassell Randolph was unanimously elected Chairman of the Board, and Mr. Walk C. Jones Vice-Chairman. Mr. L. P. Cockrill assumed his duties as Secretary of the Board.

Mr. E. B. Klewer, City Attorney, presented a tentative set of rules of procedure which had been worked out in conference with Mr. Wassell Randolph. Said rules were read section by section, and after discussion on an amendment, it was moved by Mr. Haase, seconded by Mr. Wolf that the following rules be adopted as the rules of the Board:

"RULES OF PROCEDURE

of

Board of Adjustment.  
Memphis, Tennessee.

ARTICLE I. Meetings.

1. Regular meetings of the Board of Adjustment shall be held at 3 p.m. on the second and fourth Mondays of each month. The Secretary shall give each member of the Board 48 hours notice of such meetings by postal card.



2. Special meetings may be called by the Chairman, or at the request of four members, of which notice shall be mailed to each member at least 48 hours before the time set, except that announcement of a special meeting, at any meeting at which all members are present, shall be sufficient notice of such meeting.

3. A quorum of the Board shall consist of five members.

ARTICLE II.-Cases before the Board.

1. Each appeal to the Board from an order, decision or determination of the Commissioner of Public Utilities, Grounds and Buildings shall be made on official Form No. 1.

2. Application for variations or modification of the applications of any of the regulations or provisions of the Zone Ordinance shall be made to the Board of Adjustment on official Form No. 2.

3. All information called for by Forms Nos. 1 and 2 shall be furnished by appellant or applicant in the manner therein prescribed, and whenever notice to or consents from neighboring property owners are required, such notice shall be given and consents secured on forms prescribed by the Board.

4. The Secretary shall reject all appeals and applications for variations unless made on the prescribed forms properly filled out with all required data attached.

5. Every appeal or application for variation or modification shall be taken within five days from the date of refusal of a permit by, or date of order, ruling, decision or determination of the Commissioner of Public Utilities, Grounds and Buildings.

6. Any communication purporting to be an appeal or application for variation or modification shall be regarded as mere notice to seek relief until it is made in the form required by these rules.

7. Appeals or applications taken after five (5) days from the date aforesaid shall not be considered by the Board.

ARTICLE III. -- The Docket and Calendar.

1. Each appeal or application for variation or modification filed in proper form with the required data, shall be numbered serially, docketed, and shall be placed upon the calendar of the Board by the Secretary thereof. The docket numbers shall



begin anew on January 1st of each year, and shall be hyphenated with the number of the year in which the said appeal or application is filed.

2. All cases docketed more than five days next preceeding a regular meeting day, shall be automatically set for hearing on the succeeding regular meeting day. Cases docketed within five or less days of the regular meeting day shall be set for hearing on the second regular meeting day after the docketing of the appeal or application for variation or modification.

3. Appeals or applications for variation or modification shall be heard in the order in which they appeal on the calendar, except that an appeal or an application may be advanced for hearing by order of the Board upon good cause shown. Where all appeals or applications cannot be disposed of on the day set, the Board may adjourn from day to day, or until the next regular meeting, as it may order.

4. The calendar of cases to be heard shall be posted in the office of the Board of Adjustment three days before each regular meeting. No notice other than that provided for in these rules will be given to applicants or appellants or others interested in hearings by the Board.

#### ARTICLE IV.--Hearings.

1. Hearings shall be held by the Board of Adjustment at the office of the City Planning Commission, Room 17, Police Headquarters.

2. A quorum for hearing by the Board shall consist of five members, but a lesser number may meet and adjourn a meeting.

3. Hearings shall be open to the public, but the Board may go into executive session in discussing appeals or arriving at decisions.

4. The appellant or applicant may appear in his own behalf or be represented by agent at said hearing. In the absence of any personal appearance on behalf of appellant or applicant the Board will proceed to dispose of the matter on the record before it.

5. At a hearing the order shall be as follows:



- (a) Appellant's or applicant's side of the case.
- (b) Department of Public Utilities, Grounds and Buildings, side of the case.
- (c) Interested property owners' side of the case.
- (d) Appellant's rebuttal.

ARTICLE V.--Final Disposition of Appeal.

1. The final disposition of any appeal or application for variation or modification shall be in the form of a resolution, which shall affirm, modify or reverse the refusal of a permit by, or any order or decision of the Commissioner of Public Utilities, Grounds and Buildings. In case of an application for variation or modification the resolution shall set forth that the application is denied or that it is granted with or without conditions, and said resolution shall specifically set forth what variations or modifications are permitted and what conditions, if any, shall be complied with. Every appeal or application for variation or modification shall be disallowed unless the concurring vote of five members of the Board shall favor the appeal or application. The vote of each member present on each resolution shall be recorded with the resolution.
2. Any appellant or applicant may withdraw his appeal or application at any time prior to the decision by the Board of Adjustment.

ARTICLE VII.--Officers.

1. The Board at its first meeting shall elect a Chairman and Vice-Chairman, and annually thereafter at the first regular meeting in July.
2. The Chairman shall preside at all meetings and hearings of the Board. In the event of the absence or disability of the Chairman, the Vice-Chairman shall preside.
3. The Chairman, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Board in session at the time.
4. The Chairman may designate members of the Board to make personal inspections when necessary from time to time, and unless directed by a majority of the Board, shall appoint such committees as may be found necessary.



5. The Chairman shall report at each meeting on all official transactions that have not otherwise come to the attention of the Board.

6. The Chairman shall, subject to these rules, and further instructions from the Board, transact the official business of the Board, supervise the work of the Secretary, engage necessary help, direct the work of all subordinates, and exercise general disciplinary power.

7. The Secretary, subject to the provisions of the Zone Ordinance, these rules, the direction of the Board and its Chairman, shall conduct all correspondence of the Board; send out all notices required by these rules and the order of the Board; shall attend all meetings of the Board and all hearings; shall scrutinize all appeals and applications for variations to see that these rules are complied with; shall keep the dockets and minutes of the Board's proceedings; shall compile all required records; shall maintain the necessary files and indexes and generally supervise all the clerical work of the Board.

He shall, upon docketing any application for variation from the provisions of the Zone Ordinance notify on Form No. 3 any property owner or other person directly affected by the grant or refusal of such application by depositing in the United States mails said notice addressed to such person at his last known place of residence.

Upon the docketing of any appeal or application for variation, the Secretary shall make a personal inspection of the premises, see that all maps and plats are properly prepared, and be prepared to advise the Board on the physical conditions of the property affected by such appeal or application.

The Secretary shall demand from the appellant or applicant such additional information and data as may be required to fully advise the Board with reference to the appeal or application, whether such information and data is called for by the official forms or not. Any failure or refusal on the part of the appellant or applicant to furnish such additional information or data shall be ground for dismissal of the appeal or application by the Board.

ARTICLE VIII.--Forms.



A 7

1. The forms referred to in the above rules of procedure and made a part thereof are:

- (a) Form No. 1 - Appeal under the Zone Ordinance.
- (b) Form No. 2 - Application for variation or modification of provisions of the Zone Ordinance.
- (c) Form No. 3 - Notice to owners affected by the appeal or application.
- (d) Form No. 4 - Notice of final disposition to appellant or applicant.
- (e) Form No. 5 - Form for consents, where consents of interested owners are required under the Zone Ordinance.
- (f) Form No. 6 - Notice to Commissioner of Public Utilities, Grounds and Buildings of appeal or application.

ARTICLE IX.--Docket and Minute Book.

1. The Clerk shall be provided with a docket and minute book which he shall keep posted to date. The docket shall be a well bound book, in which the Secretary shall enter the number of the appeal or application, the name of the applicant, short description, by street number or otherwise, of the premises, the nature of the application and the final disposition, after the case has been disposed of. All continuances, postponements, dates of sending notices and other steps taken and acts done shall be noted on the docket.

The minute book shall be a well bound book, in which shall be recorded the resolution relating to each case acted on, together with a vote of each member of the Board, those absent being so marked, together with all other actions of the Board.

ARTICLE X.--Amendments.

1. These rules may be amended or modified by an affirmative vote of not less than five (5) members of the Board; provided that such amendment be presented in writing at a regular meeting, and action taken thereon at a subsequent regular meeting.

ARTICLE XI.--Resolutions.

1. Every resolution not otherwise provided for shall require



a majority vote of the members present at a legally constituted meeting.

ARTICLE XII.--Advice.

1. No informal requests for advice, or moot questions will be considered by the Board.

ARTICLE XIII--Order of Business at Regular Meetings.

1. The order of business at all regular meetings of the Board shall be as follows:

- (a) Roll call.
- (b) Reading of minutes of previous meeting.
- (c) Communications.
- (d) Report of committees.
- (e) Unfinished business.
- (f) New business."

Roll call was had on the adoption of the rules : For adoption, Messrs. Le Master, Haase, Jones, Ragland, Wolfe, Chairman Randolph. Absent and not voting, Harry N. Howe.

It was further ordered that the rules be spread on the minutes of this meeting.

The City Attorney presented tentative draft of the following forms called for by the rules, which were read, examined and discussed:

- Form No. 1 - Appeal under Zone Ordinance.
- Form No. 2 - Application for variation or modification of provisions of Zone Ordinance.
- Form No. 3 - Notice to owner affected by the appeal or application.
- Form No. 4 - Notice of final disposition to appellant or applicant.
- Form No. 6 - Notice to Commissioner of Public Utilities, Grounds and Buildings, of appeal or application.



After discussion and amendment official forms Nos. 1, 2, 3, 4 and 6 were unanimously adopted and copies thereof ordered spread on the minutes of the Board. Said forms are as follows:

FORM NO. 1.

Form 1.

Docket No.....

Filed.....192.....

BOARD OF ADJUSTMENT  
CITY OF MEMPHIS  
Room 17, Police Headquarters

NOTICE—This APPEAL must be TYPEWRITTEN, and filed in duplicate within 5 days of the date of the rejection, accompanied by necessary data on sheets 8 inches by 10½ inches in size. (See reverse side of this sheet.)

Appeal from Decision of Commissioner of Public Utilities,  
Grounds and Buildings

NAMES AND ADDRESSES

Appellant: Address:  
Owner: Address:  
Lessee: Address:

To the Chairman, Board of Adjustment:

I Herely Appeal from the decision of the Commissioner of Public Utilities, Grounds and Buildings, dated .....192.....  
(Give date of rejection)

PREMISES AFFECTED is situate on the ..... side of ..... Street (Avenue)  
distant ..... feet of the corner formed by the intersection of  
and ..... and known as Number ..... Street (Avenue)

Attached hereto is copy of the decision rendered by the Commissioner of Public Utilities, Grounds and Buildings,  
in acting on Application dated.....192..... by.....  
for .....

DESCRIPTION OF PROPOSED BUILDING  
EXISTING

- (1) Size of Building:
- |                         |             |            |
|-------------------------|-------------|------------|
| At Street level:        | feet front. | feet deep. |
| At typical floor level: | feet front. | feet deep. |
| Height:                 | stories.    | feet.      |
- (2) Occupancy: (Use of each floor)
- |   |             |
|---|-------------|
| Dwelling: (Number of families)                      | { Present:  |
|   | { Proposed: |
| Industrial or Commercial: (Number persons employed) | { Present:  |
|   | { Proposed: |

(OVER)



Form 2. Filed 192  
Docket No. 192

NOTICE—This APPLICATION must be TYPEWRITTEN, filed in duplicate within 5 days of the date of the order, or rejection, accompanied by necessary data on sheets 8 inches by 10½ inches in size. (See reverse side of this sheet.)

NAMES AND ADDRESSES

Address:  
Address:  
Address:

<div style="display: inline-block; vertical-align: middle;"> <div style="display: inline-block; vertical-align: middle; text-align: center;"> <div>erection</div> <div>alteration of</div> <div>maintenance</div> <div>conversion</div> </div> <div style="display: inline-block; vertical-align: middle; font-size: 3em; line-height: 1;">}</div> </div>	in accordance with the plans filed under application for building permit dated.....	192.....	

PREMISES AFFECTED is situate on the side of  
distant feet of the corner formed by the intersection of  
and and known as Number Street (Avenue)  
and known as the location of Public Utilities, Grounds and Buildings.

Attached hereto is copy of the decision rendered by the Commissioner of Public Utilities, Grounds and Buildings,  
on.....19.....  
(Give date of order or rejection)

DESCRIPTION OF EXISTING BUILDING	PROPOSED BUILDING
1. <u>Structure</u>	1. <u>Structure</u>
2. <u>Foundation</u>	2. <u>Foundation</u>
3. <u>Roof</u>	3. <u>Roof</u>
4. <u>Walls</u>	4. <u>Walls</u>
5. <u>Floors</u>	5. <u>Floors</u>
6. <u>Doors</u>	6. <u>Doors</u>
7. <u>Windows</u>	7. <u>Windows</u>
8. <u>Interior</u>	8. <u>Interior</u>
9. <u>Exterior</u>	9. <u>Exterior</u>
10. <u>Other</u>	10. <u>Other</u>

- (1) Size of Building: feet deep.  
At street level: feet front:  
At typical floor level: feet deep.  
Height: stories: feet.
- (2) Occupancy: (of each floor)  
(a) Number of Families: (If any part is used as dwelling.)  
(b) Number of Persons Employed: (If Industrial or Commercial.)
- (3) a. Use District: (4) Date of Erection:  
b. Height and Area District:
- (5) Character of Construction: Frame: Ordinary Brick: Fireproof:
- (6) Fire District: { Fire Proof District:  
{ Inner Fire District  
{ Outer Fire District:
- (7) Has Any Application or Appeal Been Heretofore Filed With This Board on These Premises?
- (8) Is There a School, Hospital, Playground, Public Library, Church, Children's or Old People's Home, or other similar institution in the Same Street—Block, or Within 200 Feet of the Premises in Question?

(OVER)



FORM NO. 3.

FORM No. 3

## NOTICE OF HEARING

BOARD OF ADJUSTMENT  
CITY OF MEMPHIS  
Room 17, Police Headquarters

Memphis, Tenn., 192

To \_\_\_\_\_, or  
The Owner or Occupant of Property at

\_\_\_\_\_  
Memphis, Tennessee.

Sir:

Notice is hereby given that an { appeal  
application for variation } has been filed with the  
Board of Adjustment by \_\_\_\_\_ for the { use  
erection  
alteration  
of \_\_\_\_\_ at \_\_\_\_\_

A special hearing on this case will be held at Room 17, Police Headquarters, at 3 p.m.,  
Monday, \_\_\_\_\_ 192\_\_\_\_, at which time and place all interested property  
owners will be given an opportunity to be heard with reference to the matter set out in said  
appeal.

THE BOARD OF ADJUSTMENT,  
WASSELL RANDOLPH, *Chairman*,  
L. P. COCKRILL, *Secretary*.



FORM NO. 4.

FORM No. 4

## Notice of Disposition of Zoning Case

BOARD OF ADJUSTMENT  
CITY OF MEMPHIS  
Room 17, Police Headquarters

Memphis, Tenn., .....192.....

To.....,

.....Street,  
Memphis, Tennessee.

Sir:

You will please be advised that on....., 192....., the Board of  
Adjustment { granted } your { appeal  
disallowed } application for variation } Docket No.....

The resolution of the Board is subject to your inspection at the office of the Board  
of Adjustment.

Respectfully,

BOARD OF ADJUSTMENT,  
WASSELL RANDOLPH, *Chairman*,  
L. P. COCKRILL, *Secretary*.



FORM NO. 6.

FROM 6

## NOTICE OF APPEAL

BOARD OF ADJUSTMENT  
CITY OF MEMPHIS  
Room 17, Police Headquarters

Memphis, Tenn.,.....192.....

TO THE COMMISSIONER OF PUBLIC UTILITIES, GROUNDS AND BUILDINGS,  
MEMPHIS, TENNESSEE.

Sir:

You will please be advised that on....., 192....., I

appealed  
made application for variation } because of your { order  
rejection  
determination } with reference to ap-

Application for building permit dated.....192....., for.....

The secretary of the Board of Adjustment advises me that the hearing will be held on  
Monday, ....., 192.....

Respectfully,

.....Applicant

... Address



The City Attorney advised that tentative draft of Form No. 5 called for by the rules would be presented at the next meeting.

On motion duly made, seconded and carried it was ordered that the following be printed: five hundred (500) copies of the rules, one thousand (1000) copies of each official form.

Upon motion, it was unanimously ordered that the City Attorney be instructed to prepare forms for and purchase a docket and minute book.

There being no further business upon motion the meeting adjourned until Monday, July 27th, 1925.

Approved

*July 27, 1925*

*Wm. Sanders*  
Chairman.

*L. P. Cockrill*  
Secretary.